

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.5885 of 2011

ORDER:

This petition is filed, by the petitioner/A2, seeking for quash of the proceedings against him in Crime No.90 of 2011 on the file of East Police Station, Tirupati, Chittoor District. The offences alleged are under Sections 453, 324, 506 r/w 34 IPC.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 2nd respondent as well as the counsel appearing for the 1st respondent.

3. The counsel for the petitioner submits that since there was a stay in favour of A2, investigation did not proceed against him. But the investigation proceeded against the other accused and charge sheet was also filed. After conducting due trial, the other accused were acquitted by the Court of Special Sessions Judge-cum-IV Additional District and Sessions Judge, Tirupati, by its judgment in S.C.No.27 of 2014, dated 21.04.2016.

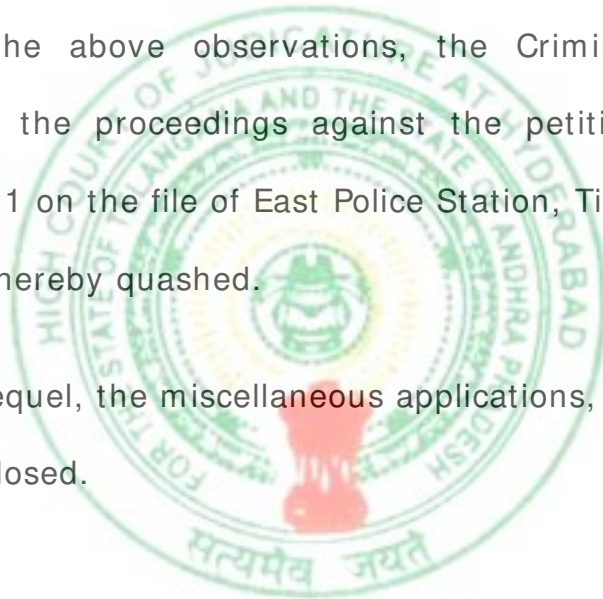
4. A perusal of the judgment would show that the court acquitted the other accused considering that the witnesses-PWs.2 to 4, who are examined by the Public Prosecutor, did not support the case of the prosecution in spite of they being cross-examined by the Public Prosecutor.

5. Hence, in view of the above, there would be no purpose served even if the case is permitted to be proceeded against A2 and the hostility of the witness in the case against the other accused would affect the credibility of the witnesses and also affect the case against this petitioner.

6. In view of the above, this court opines that continuation of further proceedings against this petitioner would only result in abuse of process of law.

7. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioner in Crime No.90 of 2011 on the file of East Police Station, Tirupati, Chittoor District, are hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.



T. RAJANI, J

September 18, 2018
LMV